

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY BEHZADI and JASON :
RINDENAU, on behalf of themselves and all : Case No.: 14-CV-4382 (LGS)
others similarly situated, :
:
Plaintiffs, : **ECF Case**
:
v. :
INTERNATIONAL CREATIVE : **DECLARATION OF KAREN**
MANAGEMENT PARTNERS, LLC, : **ABRAMS**
:
Defendant.
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I, KAREN ABRAMS, declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am of legal age and competent to make this Declaration, and have personal knowledge of the facts set forth in this Declaration.

Background

2. I have been employed as Vice President, Human Resources for International Creative Management Partners LLC (“ICM”) since February 2006. I work out of ICM’s offices in Los Angeles. My current responsibilities include managing all of Human Resources delivery and talent management strategy for ICM.

3. I have known about internship opportunities at ICM and have had direct involvement in ICM’s internship experience in Los Angeles since February 2006. I also have knowledge regarding ICM’s internship experience in New York, although the recruitment of interns for the New York office is handled by the New York-based Human Resources staff. Thus, I have personal knowledge of many of the policies and practices that have applied to

internships at ICM since August 26, 2011, the beginning of the relevant time period in this lawsuit.

ICM's Various Offices and Departments Provide a Variety of Intern Opportunities

4. Since August 26, 2011, ICM has hosted over 250 interns at its Los Angeles office and over 100 interns at its New York office, across multiple different departments, each of which have a unique focus.

5. For instance, ICM's Los Angeles office houses the following departments: Talent, TV Literary, Motion Picture Literary, Motion Picture Production, Global Branded Entertainment, Books to Film, Digital Strategy, International TV/Media, Motion Picture International, Concerts and Live Appearances, Legal, Human Resources, Corporate Communications, Contract Administration, IT, and Finance.

6. In contrast, the New York office includes the following departments: Motion Picture Talent, Motion Picture Literary, Publishing, Concerts, Theater, International TV/Media, Global Branded Entertainment, IT, and Human Resources.

7. Each department has its own unique culture, and interns are hosted in departments across a broad spectrum of functions, providing each intern with a unique experience.

8. For example, ICM's Motion Picture Department represents film actors, directors and writers. One division of the Motion Picture Department specifically focuses on the representation of key production professionals, including cinematographers, editors, and production designers.

9. ICM's Concerts Department represents artists in all musical genres, as well as comedians and other kinds of live performances. The department's responsibilities include

arranging global engagements and tours for performers and recording artists, including at major music festivals.

10. ICM's Theater Department focuses, among other things, on theater and live stage entertainment, representing a diverse roster of writers, composers, directors, choreographers, and designers on Broadway, off-Broadway, and the West End.

11. The Publishing Department represents a wide range of authors in varied genres and journalists in the sale of publication rights, as well as ancillary rights to such literary and non-fictional works.

The Role of Human Resources in Los Angeles

12. The Los Angeles-based Human Resource team's involvement in recruiting interns is limited to administrative functions for internships based in the Los Angeles office. The team is not involved in determining the day-to-day content of any internship and does not dictate to any department what the interns do or learn. Rather, as discussed in more detail below, the agents, assistants, or departments to which the interns are assigned determine the content of the internships and the projects which are assigned to the interns.

13. ICM typically receives hundreds of unsolicited resumes, as well as recommendations from agents and assistants, for internship positions in its Los Angeles office. In addition, ICM's Human Resources Recruiters sometimes attend career fairs at colleges and universities and, during those career fairs, collect resumes from interested students. Thus, ICM infrequently places advertisements for internship positions. It simply does not need to get a robust applicant flow for its intern program.

14. Human Resources' recruitment strategy varies depending on the trimester for which it is hiring. For example, recruitment for fall and spring semester interns typically focuses

on students from local colleges and universities, such as University of Southern California and University of California, Los Angeles. ICM hosted far fewer interns in the spring and fall semesters, as compared with the summer, thus impacting the recruitment process. The last time that the Los Angeles office hosted interns during the fall semester was in 2012; the last time it hosted interns during the spring semester was in 2013.

15. Recruitment for summer interns is conducted on a national level. However, the number of interns selected in the summer has decreased over the years.

16. The recruitment process in the Los Angeles office has also evolved over the years. For example, prior to 2012, ICM's agents would often recommend to Human Resources potential interns whom the agent wanted ICM to select as an intern. The Human Resources department would typically conduct a phone interview of the candidate prior to selecting the intern.

17. Since 2012, the interview and selection process has become much more formal. Typically, Human Resources reviews resumes in order to select the most qualified candidates. Thereafter, each candidate is interviewed, oftentimes by Skype. The interview is conducted by a Human Resources Recruiter and me; a department coordinator may also participate in the interview. In ICM's Los Angeles office, each agent department has a coordinator. Other non-agent departments also may have a coordinator. A coordinator is typically a former assistant to an agent, who was subsequently promoted to a junior manager position; in the agency reporting structure, a coordinator falls between an agent's assistant and an agent.

18. Since 2012, decisions regarding the selection of interns are typically made by Human Resources, with input from the department coordinators.

19. In order to determine the department in which the intern will be assigned, interns are asked to rank the departments which interest them most. Typically, we try to accommodate the intern's preferred choice. We also consider the intern's course of study/major when matching the intern with an internship opportunity. For example, a law student often times is assigned to the Legal Department or to the Business Affairs Department.

20. In addition to ensuring that the intern is qualified, Human Resources also checks to be sure that selected interns are eligible to receive academic credit from a college or university for their internship at ICM.

21. After interns are selected, Human Resources provides limited administrative support to the individual departments hosting the interns. Human Resources ensures that interns submit documentation from an accredited college or university evidencing that they are eligible to receive academic credit for the internship experience. In addition, Human Resources conducts orientation for the interns.

22. Human Resources also collects start and end dates, makes sure the departments are accountable for providing the necessary space and work stations for their interns, obtains building ID badges for the interns, and provides a general orientation session for interns. At the end of the internship, Human Resources may solicit feedback from the assistants/agents regarding the interns. In or around 2012, Human Resources also implemented an exit interview process, which allows ICM to obtain feedback from the interns regarding their internship experience and suggestions on how to make improvements in the future to make the program more beneficial to them.

23. During the summer, I also organize a lunch for the interns every Monday, during which internal and external speakers present on various topics and interns are given the

opportunity to ask questions. In addition, each summer I organize one or more get-togethers (“barbeques”) that take place outside the office, to which the interns, as well as various department heads, agents, assistants, and senior management of the company, are invited to attend. The barbecue provides the interns with an additional opportunity to interact with ICM agents and assistants and ask them questions and to solicit advice about their careers. There are also many informal opportunities throughout the intern periods for interns to gain that contact with assistants and executives in the office.

Internships in Los Angeles and New York

24. The intern experience in ICM’s Los Angeles and New York offices operates independently from one another. The recruitment process and all other administrative and Human Resources tasks in Los Angeles and New York are handled locally by the Los Angeles and New York offices themselves. Each office handles its own recruitment process and manages its interns independently and in its own way.

25. Each office handles on-boarding, the completion of paperwork, and provides training programs on its own.

26. The only common requirement across the Los Angeles and New York offices is that academic interns must submit academic credit letters in order to intern with ICM.

Academic Credit Requirement

27. In my experience, colleges and universities grant academic credit for internships based on a recognition, among other things, that certain internships would have educational value to their studies and/or be beneficial to a student’s studies.

28. In addition to the activities, training, and supervision offered by the interns’ supervisors at the department level, some colleges and universities also have their own

requirements that interns need to satisfy before they can receive academic credit for the internships.

29. For example, some interns are required to attend class, keep journals, conduct research, and write papers in conjunction with the internship experience at ICM.

30. Other institutions seek evaluations and other feedback concerning the students' experiences and growth during the internship from the interns' supervisors/mentors.

Internship Content Is Developed by Each Department, Without Any Centralized Oversight

31. Other than administrative support from Human Resources in the various offices, as described above, each department within each location has its own operating structure which enables it to handle day-to-day business on its own. Human Resources has no involvement in the day-to-day intern assignment content or interactions between ICM employees and the interns.

32. Internship contents vary based on the intern's location, and the department that hosts the intern. An intern's experience also differs depending on the time of year of the internship, the current projects within each department or being handled by a particular agent, as well as the educational and career goals of the intern and the personal business style of each intern's supervisor.

33. There is no uniform policy or consistency among, or even within, departments, agents, or assistants regarding interns' activities, training, or supervision.

34. Indeed, the manner in which projects are assigned has changed over the years.

35. For example, prior to 2012, interns in ICM's Los Angeles office were assigned to three agents' desks within a department; the agents' assistants would be responsible for assigning projects to the particular intern.

36. Beginning in 2012, interns in the Los Angeles office were assigned to a department, but not to specific agent's desk. The department coordinator is responsible for assigning projects to the interns assigned to that particular department.

Uniqueness of Each Internship

37. Many different factors combine to make each internship unique, with the training, activities, supervision, and benefits to the intern varying from intern to intern.

38. The various departments and agents represent an extremely broad range of creative and technical talent in various fields – motion picture, television, books, music, live performance, branded entertainment, and new media – which affects the tasks that need to be completed and the various approaches to which interns are exposed. In addition, the responsibilities of ICM's departments vary widely, ranging from Motion Picture Literary to Global Branded Entertainment to Theater. These differences contribute to the unique nature of each internship.

39. Each intern's particular supervisor sets the particular activities, training, and supervision received by the intern – and this controls each intern's overall experience.

40. Our practice since 2012 of having the coordinators in each department design the internships, participate in the selection of the interns, and determine and provide the activities, training, and supervision during the internship helps ensure that each intern is provided with an experience that is educational and that benefits that particular intern.

41. In addition, each coordinator's and each assistant's individual managerial style, mentoring skills and initiatives, personality, and rapport with particular interns leads to, among other things, variable types and frequencies of opportunities and one-on-one teaching meetings for different interns.

42. Interns can also affect their own internship experiences, benefits, and training by, among other things, expressing interest in particular areas, asking questions, and demonstrating a level of commitment (*e.g.*, arriving when scheduled). Each internship is also affected by an intern's background and academic focus. Thus, each individual internship experience – including the training, supervision, and benefits – is unique.

43. It is my understanding that in connection with this lawsuit, Plaintiffs Kimberly Behzadi and Jason Rindenau have filed a motion seeking to represent, and bring claims for unpaid wages on behalf of, a nationwide class of every former intern at ICM between August 26, 2011 and the present. It is also my understanding that the Plaintiffs seek to represent every intern during this time period, regardless of, among other things, the office, department, or agent that hosted the intern, the individual qualities and commitment of the intern's supervisor/mentor, the quality of the instruction and training offered during the internship, the nature of the internship experience, the time period during which the internship was hosted and the location of the internship.

44. Based on my involvement with internships at ICM, the internships were intended to be educational and to provide training and experiences that would benefit the interns, such as by providing real-world work experience and “behind-the-scenes” access to the talent and literary industries in areas that interested the interns and by enhancing the learning the interns gained from their academic work.

45. I do not believe that it is possible to draw any conclusions about internships in general, or to evaluate the quality of, any particular internship based on the experiences of any other intern(s). This is because each intern's experience was unique and differed depending on, among other things: his or her own interests and motivation; his or her individual

supervisors/mentors; the specific department and agent to which he or she was assigned; whether it was a summer, spring, or fall internship and the year in which he or she interned; and the office location of the internship.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: September 16, 2014
Los Angeles, California



KAREN ABRAMS